

## PRIVACY CERTIFICATE AND CONFIDENTIALITY REQUIREMENTS

Federal regulations require all PCCD applicants to submit a Privacy Certificate as a condition of approval of a grant application or contract proposal that contains a research or statistical component under which information identifiable to a private person will be collected. In projects where no personally identifiable information will be collected, PCCD requires applicant in lieu of submitting the Privacy Certificate to indicate at the place provided in the grant application in that no Privacy Certificate is required. The Privacy Certificate is the applicant's acknowledgement of the responsibility to protect the confidentiality of research and statistical information and has developed specific procedures to ensure that this information is only used or revealed in accordance with the requirements of 42 USC §3789g(a) and 28 CFR §§22.01-22.29 (Part 22).

Recipients of PCCD funding are subject to the statutory confidentiality requirements of 42 USC §3789g(a) and the regulatory confidentiality requirements of Part 22. Both impose restrictions on the use or revelation of research and statistical information identifiable to a private person. Information identifiable to a private person is defined in 28 CFR §22.2(e) as "information, which either (1) is labeled by name or other personal identifiers, or (2) can, by virtue of sample size or other factors, be reasonably interpreted as referring to a particular person."

In order to assist you in preparing your Privacy Certificate, we have attached a sample. Further instructions may be obtained on the website of the National Institute of Justice, at [www.ojp.usdoj.gov/nij/humansubjects/](http://www.ojp.usdoj.gov/nij/humansubjects/).

### PRIVACY CERTIFICATE TEMPLATE

Applicant1, \_\_\_\_\_, certifies that data identifiable to a private person will not be used or revealed, except as authorized in 28 CFR §§22.21 – 22.22.

Applicant certifies that access to the data will be limited to those employees having a need for such data and that such employees shall be advised of and agree in writing to comply with the regulations in 28 CFR Part 22.

Applicant certifies that all contractors, subcontractors, and consultants requiring access to identifiable data will agree, through conditions in their subcontract or consultant agreement, to comply with the requirements of 28 CFR §22.24, regarding information transfer agreements. Applicant also certifies that PCCD will be provided with copies of any and all transfer agreements before they are executed as well as the name and title of the individual(s) with the authority to transfer data.

Applicant certifies that, if applicable, a log will be maintained indicating that (1) identifiable data have been transferred to persons other than employees of PCCD or applicant/contractor/subcontractor staff; and (2) such data have been returned or that alternative arrangements have been agreed upon for future maintenance of such data, in accordance with 28 CFR §22.23(b)(6).

Applicant certifies that any private person from whom identifiable information is collected or obtained shall be notified, in accordance with 28 CFR §22.27, that such data will only be used or revealed for research or statistical purposes and that compliance with the request for information is not mandatory and participation in the project maybe terminated at any time. In addition, applicant certifies that where findings in a project cannot, by virtue of sample size or uniqueness of subject, be expected to totally conceal the identity of an individual, such individual shall be so advised.

Applicant certifies that project plans will be designed to preserve the confidentiality of private persons to whom information relates, including where appropriate, name-stripping, coding of data, or other similar procedures.

Applicant certifies that copies of all questionnaires that have already been designed for use in the project are attached to this Privacy Certificate. Applicant also certifies that any questionnaires developed during the project period will be provided to PCCD at the end of the project.

Applicant certifies that project findings and reports prepared for dissemination will not contain information which can reasonably be expected to be identifiable to a private person, except as authorized by 28 CFR §22.22.

Applicant certifies that adequate precautions will be taken to ensure administrative and physical security of identifiable data and to preserve the confidentiality of the personally identifiable information.

Applicant certifies that all project personnel, including subcontractors, have been advised of and have agreed, in writing, to comply with all procedures to protect privacy and the confidentiality of personally identifiable information.

To comply with the regulations in 28 CFR Part 22, the following safeguards are incorporated into the subgrant application:

1. Brief Description of Project:

2. Procedures to notify subjects, as required by 28 CFR §22.23(b)(4) or, if notification is to be waived, pursuant to 28 CFR §22.27(c), the following justifies the waiver:
3. Procedures developed to preserve the confidentiality of personally identifiable information, as required by 28 CFR §22.23(b)(7):
4. Justification for the collection and/or maintenance of any data in identifiable form, if applicable:
5. Procedures for data storage, as required by 28 CFR §22.23(b)(5):
6. Description of any institutional limitations or restrictions on the transfer of data in identifiable form, if applicable:
7. Name and title of individual with the authority to transfer data:
8. Procedures to insure the physical and administrative security of data, as required by 28 CFR §22.25(b), including, if applicable, a description of those procedures used to secure a name index:
9. Procedures for the final disposition of data, as required by 28 CFR §22.25:
10. Name and title of individual authorized to determine the final disposition of data:

Access to data is restricted to the following individuals, as required by 28 CFR §22.23(b)(2):

Principal Investigator(s) \_\_\_\_\_

\_\_\_\_\_

Project Staff \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Contractors, Subcontractors, and/or consultants \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

Applicant certifies that the procedures described above are correct and shall be carried out.

Applicant certifies that the project will be conducted in accordance with all the requirements of

the Omnibus Crime Control and Safe Streets Act of 1968 as amended and the regulations contained in 28 CFR Part 22.

Applicant certifies that PCCD shall be notified of any material change in any of the information provided in this Privacy Certificate.

Signature(s): \_\_\_\_\_ (Principal Investigator)  
\_\_\_\_\_ (Principal Investigator)  
\_\_\_\_\_ (Institution Representative)

Date: \_\_\_\_\_